

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

John Eugene Cotter,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 0:14-cv-2846-BHH
)	
Carolyn W. Colvin, Commissioner)	
of Social Security Administration,)	
)	
Defendant.)	
_____)	

ORDER

This matter is before the Court upon Plaintiff's counsel's motion for \$12,258.50 in attorney's fees pursuant to the Social Security Act, 42 U.S.C. § 406(b).

On October 28, 2016, Defendant filed a response in support of counsel's motion, requesting that the Court authorize a payment to Plaintiff's counsel, W. Daniel Mayes, Esquire, in the amount of \$12,258.50.¹

Based on the foregoing, it is hereby **ORDERED** that the Plaintiff's counsel's motion for \$12,258.50 in attorney's fees pursuant to § 406(b) (ECF No. 51) is **GRANTED**. Also, counsel shall remit to Plaintiff the \$2,728.56 in fees previously awarded to Plaintiff pursuant to the Equal Access to Justice Act ("EAJA"). *See Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002) (noting that fees may be awarded under both § 406(b) and EAJA but that the claimant's attorney must refund to the claimant the amount of the smaller fee) (internal quotations and citation omitted).

¹ Plaintiff was awarded \$49,034.00 in back-due benefits, of which 25 percent, or \$12,258.50, was withheld for attorney's fees.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

November 4, 2016
Charleston, South Carolina